



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/690,136	07/31/96	BRADY	758011

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IM31/0817

EXAMINER
EACHUS, H

ART UNIT	PAPER NUMBER
1732	13

DATE MAILED:

08/17/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/690,136

Applicant(s)

BRADY ET AL.

Examiner
Mark Eashoo, PhD.

Group Art Unit
1732



☒ Responsive to communication(s) filed on 5 Jun 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-11 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 11

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth (US Pat. 4,777,073) in view of Sneed et al. (US Pat. 4,517,714).

Sheth: Sheth teaches the basic claimed process for producing a high WVTR film, comprising: extruding and stretching a precursor film (1:55-57 and Examples 1-2); an LLDPE precursor film (2:4-22) having a CaCO_3 filler wherein the film is 15-65% filler by weight (2:52-3:2); films having a WVTR above $100\text{g/m}^2/\text{day}$ (6:50-60); embossing prior to stretching the film (1:55-57); and various film compositions forming by adding an elastomer (5:42-53).

Sheth does not teach passing a precursor film through a nip formed by two interdigitating grooved rollers to cause lateral stretching thereof. However, Sneed et al. teaches passing a film through a nip formed by two interdigitating grooved rollers to cause lateral stretching thereof (4:5-39 and Figs 1-3). Sheth and Sneed et al. are combinable because they are from the same field of endeavor, namely, forming and stretching polyolefin films. At the time of invention one of ordinary skill in the art would have found it obvious to have passed a film through a nip formed by two interdigitating grooved rollers thereby causing lateral stretching, as taught by Sneed et al., in the process of Sheth, since Sneed et al. suggests that such ring-rolling will provide molecular orientation in a preferred direction within the film.

Sheth does not teach the addition of SBS or SIS elastomers to the film composition. However, SBS and SIS elastomer are both well known in the art and commercially available. At the time of invention one of ordinary skill in the art would have found it obvious to have used commercially available SBS or SIS elastomers, as commonly practiced in the art, in the process of Sheth, in order to increase pliability of the film.

R sponse to Argum nts

3. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence

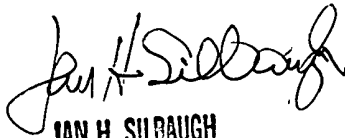
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo at (703) 308-3606. The examiner can normally be reached on Monday through Friday from 8:00 am to 3:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Silbaugh, can be reached on (703) 308-3829. The facsimile number for Art Unit 1732 is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist for Technology Center 1700, whose telephone number is (703) 308-0661.

Mark Eashoo, Ph.D.
Assistant Examiner, Art Unit: 1732

me

August 14, 1998


JAN H. SILBAUGH
SUPERVISORY PATENT EXAMINER
ART UNIT 1732

08/14/98